

Duane Morris

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April 8, 2013

VIA FACSIMILE (212) 805-7986

Judge Paul G. Gardephe  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Chambers 2204  
Courtroom 705  
New York, NY 10007

## MEMO ENDORSED

*The objection is denied. The conference will proceed as scheduled. The primary purpose of the conference is to discuss the proposed summary judgment motions and a schedule for same.*

SO ORDERED:

*Paul G. Gardephe*  
Paul G. Gardephe, U.S.D.J.

*April 16, 2013*

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MIRANDA & ESTAVILLO

Re: **Lockheed Martin Corporation, et al. v. MTA, et al.**  
**Civil Action No.: 09 Civ. 04077 (PGG)**

Dear Judge Gardephe:

Our firm is counsel for Plaintiff Lockheed Martin Corporation ("Lockheed Martin") in the above referenced action. In response to a joint letter by the parties dated March 22, 2013, your Honor scheduled a status conference on April 19, 2013 at 10:00 a.m. and directed the parties to deliver a joint status letter and party letters explaining the nature and basis for summary judgment motions which are contemplated by the parties. We now write to request an adjournment of the April 19th conference due to the unavailability of Lockheed Martin's lead trial counsel, Matthew J. Taylor, Esq., who is presently engaged in a jury trial before Judge Calvin Scott in Michael Lesh, M.D. and Erik Van Der Burg v. EV3 Inc., C.A. No. 05C-05-218, Superior Court of the State of Delaware, New Castle County.

Mr. Taylor has been the lead trial counsel for Lockheed Martin since 2010, has been intimately involved in developing and implementing strategy for the case and is the point of contact to the client. The trial before Judge Scott is proceeding day-to-day and is expected to conclude on or about May 10, 2013. Because it is possible that the trial may spill over to the following week, it is respectfully requested that the conference be rescheduled for Friday, May 17, 2013.

On Friday, April 8, 2013, we conferred with MTA's counsel about our request who was not able to secure client consent to our request.

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ELECTRONICALLY FILED  
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Honorable Paul G. Gardephe  
April 8, 2013  
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Thank you for considering our request.

Respectfully submitted,



Michael Chartan

MC:ag

cc: Ira J. Lipton, Esq. (via facsimile - Hogue, Newman Regal and Kenney, LLP, for MTA)  
Adam Friedman, Esq. (via facsimile - Wolff & Samson P.C., for the Sureties)